

### **REMARKS/ARGUMENTS**

Entry of the foregoing and further consideration of the subject application in light of the remarks that follow and consistent with 37 C.F.R. 1.111 are respectfully requested.

By this Amendment, Claim 1 has been amended to delete MAZ. Claim 1 has also been amended to specify that the first crystals of the first zeolite have an average particle size of from 1 to 6 microns and the external surface acidity of the first crystals of the first zeolite is less than the acidity within the channels of the first zeolite. Support from this amendment is found in the application on Page 10, lines 10-16 and lines 23-24. Support for new Claim 62 is found in the application on Page 10, lines 25-28.

The specification has been amended to claim priority to earlier filed application, i.e., application Serial Number 09/598,328, filed June 20, 2000, which is a divisional of application Serial Number 08/865,633, filed May 29, 1997, now U. S. Patent 6,111,157, which claims the benefit of Provisional Application No. 60/018,390.

### **REJECTION UNDER 35 USC 102/103**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102 (b) as being unpatentable over WO 92/12928 ("Verduijn"). This rejection is specifically traversed as the invention, as set forth in presently pending Claims 1 and 2, is submitted to be patentable over Verduijn.

As shown on Page 4, Verduijn, involves making the following binderless zeolites: MFI, KFI, Y, Beta, Omega, Chabasite, T, Offretite, ZSM-22, ZSM-23, titanosilicates, ZSM-34 and ZSM-12. Verduijn is not concerned with and does not disclose or suggest the zeolites set forth in the presently pending claims, i.e., EMT, MEI, and MOR. Withdrawal of this rejection is respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U. S. Patent 5,993,642 (Mohr). This rejection is specifically traversed.

The present claims of the application recite that the first crystals of said first zeolite have an average particle size of from 1 to 6 microns and the external surface acidity of said first crystals of the first zeolite is less than the acidity within the channels of said first zeolite. Nowhere does Mohr disclose or suggest these aspects of Applicants' invention. Therefore, Claims 1-10 are not disclosed by Mohr.

In addition, the subject matter of Mohr and the claimed invention of the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely Exxon Chemical Patents Inc. According, Mohr can not be used under 35 USC 103 to reject any claim of this application.

Withdrawal of this rejection is respectfully requested.

#### **REJECTION BASED ON OBVIOUS-TYPE DOUBLE PATENTING**

The following rejections were made based on obvious-type double patenting:  
(a) Claims 1-10 stand rejected based on obvious-type double patenting as being unpatentable over Claims 4-6 and 13-14 of U. S. Patent 6,040,259; (b) Claims 1-4

stand rejected based on obvious-type double patenting as being unpatentable over Claim 6 of U. S. Application No. 10/127,805; and (c) Claims 1-2 stand rejected based on obvious-type double patenting as being unpatentable over Claims 1-3, 7, and 13-14 of U. S. Patent 5,665,325. These rejections are respectfully traversed.

With respect to (a) and (b) above, in the interest of expediting the prosecution of the present application, the Applicants submit herewith a Terminal Disclaimer for each of U. S. Patent 6,040,259 and U. S. Application No. 10/127,805.

With respect to (c) above, Applicants respectfully submit that Claims 1-2 of the present application are patently distinct from Claims 1-3, 7, and 13-14 of U. S. Patent 5,665,325. Claims 1-3, 7, and 13-14 of U. S. Patent 5,665,325 involve making MFI, KFI, Y, Beta, Omega, Chabasite, T, Offretite, ZSM-22, ZSM-23, titanosilicates, ZSM-34 and ZSM-12 binderless zeolites. The claims of Verduijn are not concerned with the zeolites set forth in the presently pending claims, i.e., EMT, MEI, and MOR. Since Verduijn involves different zeolites, Applicants respectfully submit that Claims 1-2 of the present application are patently distinct from Claims 1-3, 7, and 13-14 of U. S. Patent 5,665,325.

Withdrawal of this rejection is respectfully requested.

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Applicants respectfully submit that the presently pending claims are in condition for allowance and favorable action thereon is respectfully requested.

Respectfully submitted,

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